THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.26275 of 2006

20.12.2006

Between:

B.Pulla Reddy.

..Petitioner

And

The District Collector and others.

..Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.26275 of 2006

ORDER:

The petitioner statedly is the owner and possessor of plot No.23 and half of plot No.22 admeasuring Acs.12.71 cents and Acs.1.10 cents, in survey Nos.778/A1 and 778/A2, respectively, situated at Kalluru Mandal. He allegedly purchased plot No.23 from its original owner under registered sale deed, dated 17.08.1968 and got half of plot No.22 through his brother B.Rami Reddy under registered gift deed, dated 13.06.2005. When he intended to sell the said property, he got good offer from the purchasers and entered into agreements of sale. When he approached the third respondent for registration of the said documents, he was informed that registration regarding the subject land cannot be done in view of the proceedings of the first respondent in Rc.No.E8/2262/2002, dated 17.08.2002, aggrieved by which, the present Writ Petition is filed.

Heard the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 31 to 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004, dated 01.09.2004.

Following the above, this Writ Petition is disposed of directing the third respondent or any other Registering Officer to accept the document presented by the petitioner and consider for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. Even thereafter, if the petitioner has any grievance, he may file appeal before the Appellate Authority under Section 72 of the Act. Thereafter, if any adverse order is passed by the Appellate Authority, the petitioner can file a suit under Section 77 of the Act. No costs.

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(V.V.S.RAO, J)

20.12.2006

GJ